

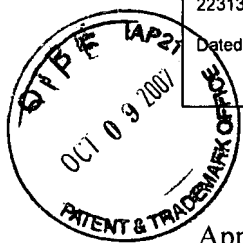
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Dated: October 9, 2007

Signature

Linda J. Werk

Docket No.: 0169-274



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROBERT BERLINER) Group Art Unit: 3627
Serial No. 09/764,530) Examiner: Ronald Laneau
Filed: January 17, 2001) Confirmation No. 6423
For: METHOD OF PROVIDING REPAIR)
INFORMATION AND DOING)
BUSINESS THEREON ON A GLOBAL)
COMPUTER NETWORK)

Customer No.: 000062836

APPELLANT'S BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This brief is in furtherance of the Notice of Appeal, filed in this case on July 19, 2007. An appeal Brief was previously filed October 19, 2006 but prosecution was reopened on February 22, 2007 and a new reference cited, to which Appellant the July 19, 2007 Notice of Appeal. A further fee of \$5.00 because of the recent change in the PTO fee schedule under § 1.17(f), and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief is transmitted in triplicate.

This brief contains items under the following headings as required by 37 C.F.R. § 1.192 and M.P.E.P. § 1206:

- I. Real Party In Interest
- II Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on appeal
- VII. Grouping of Claims

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02 FC:2402 250.00 DA 5.00 DP

Adjustment date: 10/10/2007 EAYALEW1
03/14/2006 TBESHAH1 00000017 500337 09764530
01 FC:2402 250.00 CR

VIII.	Argument
IX.	Claims Appendix
X	Evidence Appendix
XI	Related Proceedings Appendix

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is: Robert Berliner

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are fourteen claims pending in the application.

B. Current Status of Claims

Claims canceled: 7.

Claims withdrawn from consideration but not canceled: none.

Claims pending: 1, 5 – 8, 10, 11, 14 – 17, and 19 - 21.

Claims allowed: none.

Claims rejected: 1, 5 – 8, 10, 11, 14 – 17, and 19 - 21.

C. Claims On Appeal

The claims on appeal are claims 1, 5 – 8, 10, 11, 14 – 17, and 19 - 21.

IV. STATUS OF AMENDMENTS

The last amendment to the claims (dated June 3, 2005) was filed following a non-final rejection of all the claims, which was followed by a final rejection of all the claims on August 10, 2005, which was followed by the filing of an appeal and an Appeal Brief, which was followed by reopening of prosecution and the citation of a new reference. No further amendments were made.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The invention is directed to an internet web site, and method of doing business on a web site. Independent claim 1 and dependent claims 2 – 10 are directed to a method of doing business on a web site constructed to enable a user to learn how to repair a wide variety of items, from small to large household appliances, to business machines such as typewriters, computers, printers and the like, to bicycle and automobiles, among a wide and diverse variety of devices and which facilitates the purchase of replacement parts for the repair [specification, page 1, line 22 to page 2, line 2]. In particular, the invention provides graphics in the form of a photograph or other illustration [original claims 2 and 8] depicting the device, depicting a plurality of replaceable parts [page 2, line 2] for the device, and depicting the relationship of the parts to the device [Figure 1]. A user can then mouse click on graphics representing a replaceable part of the device [see page 2, line 5] which results in a list of one or more manufacturers or vendors of the part selected by the user [see page 2, line 6]. The user can then mouse click on one of the manufacturers or vendors in the list to obtain information about the part needing replacement, or to purchase the part needing replacement [page 3, line 26 to 29; Figure 1 at 14].

Independent claim 11 and dependent claims 12 – 21 are directed to an internet web site providing and displaying information about the repair of various devices [page 2, lines 3 to 4], in the form of a photograph or other illustration [original claims 2 and 8] depicting the device, depicting a plurality of replaceable parts [page 2, line 2] for the device, and depicting the relationship of the parts to the device [Figure 1]. The claim refers to means whereby, when a user uses a mouse to click on graphics representing a replaceable part of the device [see page 2, line 5] which results in a list of one or more manufacturers or vendors of the part selected by the user [see page 2, line 6]. The claim also refers to means whereby when a user uses a mouse click on one of the manufacturers or vendors in the list, the user can obtain information about the part needing replacement, or to purchase the part needing replacement [page 3, line 26 to 29; Figure 1 at 14].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(1) Claims 1, 5 - 11, 14 – 16, 19, and 20 [sic – there is no claim 9] are rejected as unpatentable under 35 U.S.C. § 103(a) over Moore (U.S. Patent No. 5,877,961 – hereinafter “Moore”) in view of Allsop (U.S. Patent No. 5,970,472 - hereinafter “Allsop”); and

(2) Claims 8, 17, and 21 are rejected as unpatentable under 35 U.S.C. § 103(a) over Moore Koprowski in view of Allsop, and further in view of Messer (U.S. Patent No. 5,991,740 - hereinafter "Messer")

VII. GROUPING OF CLAIMS

The claims are in one group that stand or fall together.

VIII. ARGUMENT

Issue (1): Whether claims 1, 5 - 8, 10, 11, 14 - 16, 19, and 20 are patentable under 35 U.S.C. § 103(a) over Moore in view of Allsop

The rejections over Moore and Allsop are fundamentally flawed. First, the Examiner has mischaracterized Moore. Notwithstanding the Examiner's attempt to describe Moore as providing a method of doing business on the world wide web (paragraph 3, line 3 of the Office Action) or as disclosing an internet web site and a program operating the website with web site pages) (page 4, lines 13 - 14), in fact nowhere in Moore is there any mention or description of the world wide web, of the internet, or of web site pages. All Moore describes is a server and a local area network.

Second, the Examiner has mischaracterized Allsop, which is cited because the Examiner admits that Moore does not disclose a list of manufacturers or vendors of the item selected. Allsop is therefore cited to provide that function, but in fact there is nothing of the sort in Allsop. In Allsop, a consumer accesses an order processing unit by activating a hypertext link provided by the manufacturer's web site (col. 7, lines 24 - 26). Therefore, information is provided from only that pre-selected manufacture. Allsop's only purpose is to "provide[s] a customized user interface for ordering products only from the one specific manufacturer and dealer" (emphasis added, lines 18 - 22 of the Abstract, col. 2, lines 54 - 57), which is the antithesis of what is provided by Applicant's claims.

Since claim 1 is not suggested by Moore and/ or Allsop, the remaining claims, which contain all the limitations of claim 1 are necessarily not suggested.

Issue (2): Whether claims 8, 17, and 21 are patentable under 35 U.S.C. § 103(a) over Moore in view of Allsop, and further in view of Messer US Patent No. 5,991,740

Claims 8, 17 and 21 call for the web site of the manufacturer or vendor to be specifically set up to receive referrals from another web site and to compensate the owner of the referring web site. These claims are improperly rejected over Moore and Allsop in view

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of Messer. The weaknesses of Moore and Allsop are not cured by Messer, or even addressed by Messer. The combination therefore does nothing to suggest the claimed invention, in which a list of one or more manufacturers is provided only after the user uses a mouse to click on displayed graphics representing a replaceable part of a device.

Conclusion

Fundamentally, none of the references addresses the central elements of the claims. Applicant respectfully submits that the invention is not obvious over Moore, Allsop, or Messer or any combination of them. Affirmation of this position is courteously solicited.

Dated: October 8, 2007

Respectfully submitted,

By 

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IX. CLAIMS APPENDIX

Claims Involved in the Appeal of Application Serial No. 09/764,530

1. A method of doing business on the world wide web, comprising the following steps:

(1) a provider provides and displays information on a web site about the repair of various devices, the information including graphics in the form of a photograph or other illustration depicting the device, depicting a plurality of replaceable parts thereof, and depicting the relationship of said parts to the device;

(2) a user uses a mouse to click on said displayed graphics representing a replaceable part of a device;

(3) in response to step (2), information is electronically provided to the user, the information comprising a list of one or more manufacturers or vendors of the part selected by the user; and

(4) the user uses a mouse to click on one of the manufacturers or vendors in the list ~~can~~ to obtain information about the part needing replacement, or to purchase the part needing replacement.

5. The method of Claim 1 wherein the user is directed to a web site of the manufacturer or vendor.

6. The method of Claim 5 wherein the web site of the manufacturer or vendor is its site home page.

7. The method of Claim 5 wherein the web site of the manufacturer or vendor is a site page on which information on the part is displayed.

8. The method of Claim 6 wherein the web site of the manufacturer or vendor is a site page specifically set up to receive referrals from another web site and to compensate the owner of the referring web site.

10. The method of Claim 3 1 wherein by clicking one of the manufacturers or vendors, the user is directed to an order page.

11. An internet web site and a program operating said web site, comprising:
a plurality of web site pages providing and displaying information about the repair of various devices, the information including graphics in the form of a photograph or other illustration depicting the device, depicting a plurality of replaceable parts thereof, and

depicting the relationship of said parts to the device wherein a user can click on displayed graphics representing a replaceable part of a device;

means whereby, when a user uses a mouse to click on a said displayed graphics representing a replaceable part of a device, information is electronically provided to the user, the information comprising a list of one or more manufacturers or vendors of the part selected by the user; and

means whereby, when the user uses a mouse to click on one of the manufacturers or vendors in the list, the user can obtain information about the part needing replacement, or can purchase the part needing replacement.

14. The internet web site of Claim 11 wherein the user is directed to a web site of the manufacturer or vendor.

15. The internet web site of Claim 14 wherein the web site of the manufacturer or vendor is its site home page.

16. The internet web site of Claim 14 wherein the web site of the manufacturer or vendor is a site page on which information on the part is displayed.

17. The internet web site of Claim 15 wherein the web site of the manufacturer or vendor is a site page specifically set up to receive referrals from another web site and to compensate the owner of the referring web site.

19. The method of Claim 1 wherein by clicking on the name of a manufacturer, model part numbers are displayed.

20. The internet web site of Claim 11 wherein by clicking on the name of a manufacturer, model part numbers are displayed.

21. The method of Claim 1 including a step wherein the provider derives revenue by one or more of the following activities: (a) direct sale of one or more replacement parts to the user, (b) obtaining referral fees or commissions from a manufacturer or other vendor of the one or more of the parts, or (c) gathering consumer information from the user's activities on the web site.

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X. EVIDENCE APPENDIX

None

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XI. RELATED PROCEEDINGS APPENDIX

None